

S. AMANDA MARSHALL, OSB #95347

United States Attorney

District of Oregon

AMY E. POTTER

Amy.potter@usdoj.gov

Assistant United States Attorney

405 E. 8th Avenue, Ste 2400

Eugene, Oregon 97401-2708

United States Attorney's Office

Telephone: 541-465-6356

Facsimile: 541-465-6917

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

UNITED STATES OF AMERICA,

v.

COMPLAINT IN REM
FOR FORFEITURE

700 UPPER APPLGATE ROAD,
JACKSONVILLE, JACKSON
COUNTY, STATE AND DISTRICT OF
OREGON, REAL PROPERTY WITH
BUILDINGS, APPURTENANCES
AND IMPROVEMENTS, and

746 APPLGATE ROAD,
JACKSONVILLE, JACKSON
COUNTY, STATE AND DISTRICT OF
OREGON, REAL PROPERTY WITH
BUILDINGS, APPURTENANCES
AND IMPROVEMENTS, *in rem*,

Defendants.

Plaintiff, United States of America, by S. Amanda Marshall, United States
Attorney for the District of Oregon, and Amy E. Potter, Assistant United States
Attorney, for its complaint *in rem* for forfeiture, alleges:

I.

This Court has subject matter jurisdiction, *in rem* jurisdiction, and venue pursuant to 21 U.S.C. § 881; 28 U.S.C. §§ 1345, 1355, 1356, and 1395; and 19 U.S.C. § 1610.

II.

Defendants, *in rem*, 700 Upper Applegate Road, Jacksonville, Jackson County, State and District of Oregon, real property with buildings, appurtenances and improvements and more particularly described as follows:

COMMENCING AT THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 40, IN TOWNSHIP 38 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON; THENCE SOUTH 90°49'04" WEST, 543.24 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 0°21'09" WEST, 403.18 FEET TO A 5/8 INCH IRON ROD FOR THE POINT OF BEGINNING; THENCE CONTINUE NORTH 0°21'09" WEST, 403.18 FEET TO A 5/8 INCH IRON ROD; THENCE SOUTH 89°49'04" WEST 540.25 FEET; THENCE SOUTH 0°21'09" EAST, 403.18 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 89°49'04" EAST, 540.25 FEET TO A 5/8 INCH IRON ROD AND THE POINT OF BEGINNING.

and defendant, *in rem*, 746 Applegate Road, Jacksonville, Jackson County, State and District of Oregon, real property with buildings, appurtenances and improvements and more particularly described as follows:

Government Lots 9, 10 and 11, Section 33, and Government Lot 4, Section 34, all in Township 38 South, Range 3 West, Willamette Meridian in Jackson County, Oregon. EXCEPTING THEREFROM the following: Beginning at a 1 inch iron pipe with bronze cap, located at the Southwest corner of Government Lot 9, Section 33, Township 38 South, Range 3 West, Willamette Meridian in Jackson County, Oregon; thence North 0°18'20" East 1615.16 feet to the Northwest corner of said Lot; thence along the North boundary of said Lot, North 89°50'30" East, thence 157.93 feet to a 5/8 inch iron pin, located on the Westerly boundary of Cameron (County) Road; thence along said road boundary as follows: South 01°41'40" West 182.42 feet; thence 147.59 feet along the arc of a curve left (which arc has a radius

of 1452.39 feet, and a long chord of South 01°13'00" East 147.52 feet); South 04°07'40" East 372.73 feet; 176.92 feet along the arc of a curve left (which arc has a radius of 1165.92 feet, and a long chord of South 08°28'30" East 176.75 feet); South 12°49'20" East 419.75 feet; thence 196.82 feet along the arc of curve left (which arc has a radius of 1165.92 feet, and a long chord of South 17°39'30" East 196.59 feet); South 22°29'40" East 73.03 feet; thence 80.02 feet along the arc of a curve left (which arc has a radius of 974.93 feet and a long chord of South 24°50'45" East 80.00 feet); thence leaving said road boundary South 89°40'00" West 431.51 feet to the point of beginning. ALSO EXCEPTING THEREFROM that portion conveyed to Jackson County, by correction deed recorded December 22, 1971 as Document No. 71-16234, Official Records of Jackson County, Oregon. ALSO: A strip of land 30.0 feet in width, more particularly described as follows: Beginning at a point on the South line of Donation Land Claim No. 40, Township 38 South, Range 3 West, Willamette Meridian in Jackson County, Oregon, that is West 10.0 feet from the Southeast corner thereof; thence continue West on said South line to the Northeast corner of Government Lot 4, Section 34, said Township and Range; thence South along the West line of said Lot 4, a distance of 30.0 feet; thence East parallel to and 30.0 feet distance from the South line of Donation Land Claim No. 40, to a point that bears West, 40.0 feet, and South 0°25' West 30.0 feet, from the Southeast corner of said Claim; thence South 0°25' West 30.0 feet; thence East 100.0 feet, more or less, to the Westerly boundary line of the Applegate County Road; thence Northeasterly along said boundary line 30.0 feet, more or less, to a point that bears West 10.0 feet, South 0°25' West 30.0 feet, and East 75.0 feet, more or less, from said Southeast corner of said claim; thence West 75.0 feet, more or less, to a point that bears West 10.0 feet, and South 0°25' West 30.0 feet, from said claim corner; thence North 0°25" East 30.0 feet to the point of beginning.

are now and during the pendency of this action will be within the jurisdiction of this Court.

III.

Defendants, *in rem*, 700 Upper Applegate Road, and 746 Applegate Road, Jacksonville, Jackson County, State and District of Oregon, real property with buildings, appurtenances and improvements, represents real properties that were used or intended to be used, in any manner or part, to commit, or to facilitate a transaction in violation of 21 U.S.C. § 801, *et. seq.*, and are forfeitable to the United States pursuant to the provisions of 21 U.S.C. § 881(a)(7), as more particularly set

forth in the declaration of Special Agent Clark Wheeler, Drug Enforcement Administration marked as Exhibit A, attached and fully incorporated herein by this reference.

WHEREFORE, plaintiff, United States of America, prays that due process issue to enforce the forfeiture of defendants, *in rem*, real properties commonly known as 700 Upper Applegate Road and 746 Applegate Road, Jacksonville, Jackson County, State and District of Oregon, with buildings, appurtenances and improvements; that due notice be given to all interested persons to appear and show cause why forfeiture of these defendants, *in rem*, should not be decreed; that due proceedings be had thereon; that these defendants be forfeited to the United States; that the plaintiff United States of America be awarded its costs and disbursements incurred in this action.

Respectfully submitted this 7th day of November, 2012.

S. AMANDA MARSHALL
United States Attorney

/s/ Amy E. Potter
AMY E. POTTER
Assistant United States Attorney

VERIFICATION

I, CLARK WHEELER, declare, under penalty of perjury, pursuant to the provisions of 28 U.S.C. Section 1746, that I am a Special Agent with the Drug Enforcement Administration and that the foregoing Complaint *in rem* for Forfeiture is made on the basis of information officially furnished and upon the basis of such information the Complaint *in rem* for Forfeiture is true as I verily believe.

A handwritten signature in black ink, appearing to read 'Clark Wheeler', is written over a horizontal line.

Clark Wheeler
Special Agent
Drug Enforcement Administration